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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

MICHAEL ADAMS, ERIC BALMY, JOHN )  
 BARRIENTOS, ANDREW BROWN, )  
 CAROL BURROUGHS, THEODORE )  
 CHANG, STEVE CHRIST, DOMENICK )  
 CLEMENTE, OWEN CUNNINGHAM, )  
 SEAN DEXTER, RANDAL DICKEY, )  
 LEWIS DOTY, JOE DUNLEAVY, STEVE )  
 GORSKI, TRACY GURECKI, SCOTT )  
 HANSEN, BETH HOPKINS, BRAIN )  
 ISAACSON, BRUCE JOWER, TAMARA )  
 KEAGY, STEWART LEHMAN, )  
 GREGORY LEONARD, ANTHONY )  
 MANGINI, GABRIEL MAURO, BRIAN )  
 McCOLGIN, JAMES McMURRAY, )  
 BARRY MLAKER, SCOTT )  
 MOORHOUSE, JOHN RABINOWITZ, )  
 MITCHELL J. REBELLO, STEVE )  
 ROHWER, TERRY SCUDERO, JEFF )  
 SLATER, BEN SMITH, MICHAEL )  
 SUGRUE, GREG THOMPSON, BRYAN )  
 VEVERA, PAUL WELGE acting for )  
 themselves and others similarly situated, )

Plaintiffs,

v.

CITY OF WALNUT CREEK,

Defendant.

Case No.: C 05-03781 MEJ

**STIPULATION AND ~~PROPOSED~~  
 ORDER RE EXTENDING TIME OF  
 INITIAL CASE MANAGEMENT  
 CONFERENCE AND CASE SCHEDULE  
 L.R. 6-2**

1 1. IT IS HEREBY STIPULATED by and between the parties to the above-entitled action, by their  
2 respective counsel, that the date of the initial case management conference as well as the case schedule set  
3 forth in the Order Setting Initial Case Management Conference shall be extended.

4 2. Plaintiffs are required to serve at least one defendant within 120 days of the filing of the  
5 complaint as required in the September 17, 2004 Order Setting Case Management Conference signed by  
6 United States Magistrate Judge Maria-Elena James as well as F.R.C.P, Rule 4(m). Plaintiffs filed the  
7 complaint on September 20, 2005 and have until January 18, 2006 to serve the complaint on at least one  
8 defendant.

9 3. The Order Setting Initial Case Management Conference requires Plaintiffs to file their Case  
10 Management Statement, Rule 26(f) Report on January 12, 2006. This date is prior to the date Plaintiffs are  
11 required to serve Defendant. The Summons in a Civil Case dated September 20, 2005, issued by Mary Ann  
12 Buckley, Deputy Clerk requires Defendant to answer the complaint within twenty (20) days of service. The  
13 Order Setting Initial Case Management Conference sets the Case Management Conference on January 19,  
14 2006. This date is prior to the date Defendant is required to answer the complaint.

15 3. There have been no previous time modifications to this case.

16 4. Modification of the schedule will enable Plaintiffs to serve the complaint in the one hundred  
17 twenty (120) days time period allotted by this court and the Rule 4(m) of the Federal Rules of Civil Procedure  
18 to serve Defendant the complaint. Modification of the schedule will also give Defendant twenty (20) days to  
19 answer the complaint pursuant to the Summons.

20 5. The requested time modification will minimally effect the schedule of the case, postponing the  
21 dates of the Case Management Conference and the date the Initial Case Management Statement until after  
22 the Complaint has been served and the answer has been filed.

23 6. The parties therefore request that the Case Management Conference Statement be due sixty  
24 (60) days after the Defendant files the answer to the complaint.

**MASTAGNI, HOLSTEDT, AMICK,  
MILLER, JOHNSEN & UHRHAMMER**

Dated: December 14, 2005

By: /s/ David E. Mastagni  
DAVID E. MASTAGNI,  
Attorney for Plaintiffs

Dated: December 14, 2005

By: /s/ Thomas Haas  
THOMAS HAAS,  
Attorney for Defendant

~~[PROPOSED]~~ ORDER

~~The Stipulation and [Proposed] Order Extending Time of Initial Case Management Conference and Case Schedule Is Hereby Adopted by the Court for the Case and the Parties Are Ordered to Comply with this Order.~~

Pursuant to the stipulation, the Court hereby reschedules the CMC to March 2, 2006, at 10:00 a.m.

Dated: December 15, 2005

HONORABLE MARIA ELENA JAMES

